

REMARKS

By way of the present communication, applicants have amended claim 1 to include the appropriate Jepson type language.

Claims 1 to 7 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. The Examiner argues that claim 1 is confusing because it is not in proper Jepson form. In view of the amendment made herein, claim 1 now contains the appropriate Jepson type language. Therefore, applicants request that this rejection be withdrawn.

Claims 1 to 13 have been rejected under 35 U.S.C. 103 as being unpatentable over the teachings of Takagi et al and Caprio I, II, and III. The Examiner argues that Takagi et al disclose the present invention substantially as claimed wherein patentees teach compositions of various amino acids which comprise L-alanine, L-arginine, and L-proline. The Examiner further states that the only difference between Takagi et al and the instantly claimed invention is that Takagi et al do not teach amino acids as a method for attracting fish, but that Caprio I, II, and III disclose such materials as potent olfactory stimuli for catfishes. This rejection is respectfully traversed.

Applicants fail to see the relevance of the Takagi et al reference other than showing a list of amino acids. Such a list can be found in any freshman biology textbook. The Takagi et al reference teaches the use of one or more of any of the amino acids for use with a conventional nonsteroidal anti-inflammatory agent,

such as aspirin, indomethacin, etc. Clearly, one having ordinary skill in the catfish breeding art would not look to such a reference for a teaching on how to stimulate the biting and snapping response of catfish.

The Caprio (also a co-inventor of the present application) references do not teach or suggest any means which will cause a catfish to snap or bite. Snapping and biting are behavioral responses and are totally outside of the realm of the Caprio papers. Applicants' attorney was well aware of these technical papers when the instant application was drafted and as such the application was drafted around such teachings. With this in mind, the Examiner is strongly encouraged to read the discussion on pages 2 and 3 of the instant application which deal with this subject. These two pages mention that the Caprio papers discuss research which was done to measure the sensitivity of the gustatory and olfactory receptors in catfish to various amino acids. These studies were electrophysiological studies and cannot predict how the biting and snapping behavior of the catfish will be for a given amino acid. That is, while experiments can be conducted to show that various receptors of a fish are sensitive to a particular agent, they cannot predict what the behavior of the fish will be for such agents. While a fish may be attracted to a particular food, it does not mean that it will snap at it. The snapping behavior which is stimulated by the three amino acids of instant claim 1 are not dependent on food. That is, even if not food were present in the vicinity of the catfish and the amino acids, the catfish will still start to snap. In fact, the snapping is not

just a simple snap or bite, but in most instances the catfish go into a snapping frenzy.

Causing a catfish to snap indiscriminately is more important than the Examiner may imagine. For example, when breeders of catfish transport fish from one pond to another, a substantial amount of the fish starve to death even though they may be hungry. This is because the fish are frightened and in shock. The instantly claimed invention will reduce the number of fish lost after transportation because the one or more of the three amino acids in the food will cause the fish to indiscriminately start vigorously snapping in the vicinity of food. In the process of indiscriminately snapping, they will happen to consume some food. In a way, the procedure can be thought of as a type of force feeding. If the fish were not frightened and if they were hungry, there would be no need for the use of the three claimed amino acids to encourage cause them to consume the food.


The Examiner's attention is also drawn to Figure 3 of the instant application wherein it is shown that it is totally unexpected that only the L-proline, L-arginine, and L-alanine cause this snapping behavior. Other amino acids, such as L-cysteine, L-leucine and L-histidine, do not. While amounts of L-proline in very low concentrations were not found to cause the catfish to snap, higher levels did, particularly in combination with L-arginine and L-alanine.

The Examiner suggests that applicants should amend the claims to exclude amino acids other than the three set forth in claim 1. It is applicants position that such an amendment is not required

because the Examiner has not cited any art which relates to catfish food or any art which teaches the use of a substance to cause a catfish to snap and bite.

Therefore, in view of the above, it is applicants's position that the instantly claimed invention defines a patentable invention over the prior art. That is, there is no suggestion in any of the prior art of causing catfish to bite by use of certain amino acids. Consequently, it is requested that this application be passed to allowance.

RESPECTFULLY SUBMITTED:



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